

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

QUALITY EGG, LLC, (d/b/a/ Wright County Egg  
and Environ), AUSTIN DECOSTER (a/k/a/ Jack  
DeCoster), and PETER DECOSTER

Defendants.

Case No. 14-CR-3024 MWB

**DEFENDANT AUSTIN (“JACK”) DECOSTER’S MOTION THAT A SENTENCE OF  
INCARCERATION OR CONFINEMENT IS UNCONSTITUTIONAL**

Defendant Austin (“Jack”) DeCoster respectfully requests that this Court rule that a sentence of incarceration, including intermittent, community, or home confinement, or other restriction on liberty other than probation, would violate Mr. DeCoster’s due process rights under the United States Constitution. Mr. DeCoster relies upon the accompanying memorandum in support of this motion. *See* Defendant Austin (“Jack”) DeCoster’s Motion that a Sentence of Incarceration or Confinement is Unconstitutional (Oct. 6, 2014). Given the constitutional uncertainty of strict liability criminal offenses, the responsible corporate officer doctrine has been carefully applied. In the absence of *mens rea*, the only appropriate sentence in this case is a fine and/or term of probation.

Respectfully submitted,

/s/ Frank R. Volpe

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*Counsel for Defendant Austin DeCoster*

Dated: October 6, 2014

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2014, I filed DEFENDANT AUSTIN (“JACK”) DECOSTER’S MOTION THAT A SENTENCE OF INCARCERATION OR CONFINEMENT IS UNCONSTITUTIONAL with the U.S. District Court for the Northern District of Iowa via CM/ECF, which will cause to be served upon:

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/s/ Frank R. Volpe  
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